



WISCONSIN REGULATORY DIGEST

A Publication of the CHIROPRACTIC EXAMINING BOARD

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Department Overview

by Secretary Marlene A. Cummings

As Secretary of the Wisconsin Department of Regulation and Licensing, I am frequently asked for information about the department and believe that it is useful from time to time to discuss the structure and philosophy which guides the work of this department as well as providing information of the department's current strategic business goals.

The Department of Regulation and Licensing is an umbrella agency, which provides services to over 20 boards. These boards are responsible for the regulation of a wide variety of professions and the department independently regulates many other professions, occupations and entities. There are basically three different regulatory activities

2) defining what the credentials entitles the credential holder to do through scope of practice; professional conduct and professional ethics written into administrative code, and; 3) enforcement.

One of the more unique oversight board arrangements in the department is the joint board which regulates professional engineering, architects, landscape architects, professional engineers, designers and land surveyors. This joint board is in the Division of Business Licensure and Regulation. The division is divided into two bureaus to allow for more direct service staff to become better acquainted with the issues surrounding each profession.

This board, along with all other boards in the department, set standards of professional competence and conduct for the profession under its charge; prepares, conducts and grades the examinations of prospective new practitioners; grants licenses; investigates complaints of alleged unprofessional conduct; and performs other functions assigned to it by law. One of the most important departmental responsibilities is to assist the boards in discharging these duties.

In addition the department also:

- * Acts as a conduit for professions and their interaction with other state agencies or the governor's office.

CHIROPRACTIC EXAMINING BOARD

Members of the Board:

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Administrative Staff:

Kimberly M.L. Nania, Ph.D., Bureau Director

Executive Staff:

Marlene A. Cummings, Secretary
June Suhling, Deputy Secretary
Myra Shelton, Executive Assistant
provided by the boards and the department. They are: 1) the application and examination process;

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* Has broadened its enforcement authority to respond more effectively and efficiently to	

complaints of unlicensed practice. Through the administrative injunction process, the department is able to effectively enforce licensure requirements.

- * Is in the process of using new technology to upgrade our services to customers through expanded use of automated telecommunications services and by facilitating electronic transmission of information via the Internet.
- * Is exploring more opportunities for seminars and information exchanges with professional credential holders and their statewide associations to learn more about the professions and how we can provide better services.

Y2K Update

By the end of this year, everyone - no doubt - will be tired of hearing about the Y2K "problem." The issue has received, and will continue to receive, considerable attention in the media and workplace. Governor Tommy Thompson has made Y2K readiness one of the top priorities of his administration and is committed to ensuring that state agencies are ready to deal with any and all problems which may result from the coming of the year 2000.

The Department of Regulation and Licensing, like all other state agencies, has been preparing for the last couple of years now for the switch to the year 2000. We have analyzed major functions in the department and have identified areas where work was needed in order to prepare for a smooth transition to the year 2000. We are confident that our preparations are on track and we anticipate no major problems in the department as we approach the year 2000.

There are three main areas which can summarize our progress towards dealing with Y2K issues. They are:

Applications: All of our applications have been converted over to the Oracle database and these processes are Y2K compliant.

Hardware and System Software: The department is currently in the process of upgrading all of our personal computers to ensure that they are Y2K compliant. A complete department-wide testing of all computer hardware devices is being conducted.

Contingency Plans: The department is also developing a contingency plan to address issues related to business resumption in case a disaster involving unforeseen problems may arise due to Y2K issues.

We are confident that our actions to date and the additional efforts which will unfold over coming months will ensure that the department will see a smooth transition from 1999 to 2000. We will keep you posted on an "as needed" basis should other issues materialize or if we need to provide any additional information regarding departmental goals and actions which are aimed at successfully managing the Y2K issue.

Division of Enforcement

A critically important component of the role played by the Department of Regulation and Licensing (DORL) in overseeing professions subject to licensure and regulation is the Division of Enforcement (DOE), headed up by Administrator Jack Temby.

The DOE is a large division comprised of attorneys, investigators and support staff. Their primary mission is to conduct investigations of complaints received by the department concerning the conduct of persons holding professional credentials or licenses issued by the department. In the most recently completed biennium (1995-97) more than 4,400 complaints were received and processed by the division. When appropriate, complaints are resolved through mediation. However, if it appears there has been a violation of the laws enforced by the boards or department, formal disciplinary action may be commenced against the credential holder involved.

There are four distinct phases of the case handling process and are as follows:

- * **Intake Stage:** This is the first stage in the case handling process. Cases are screened by screening panels to determine if an investigation is warranted. Cases that do not warrant investigation are quickly closed. Cases that appear to have merit are identified for investigative action.
- * **Investigation Stage:** This is the next stage in the case handling process. Investigative staff gather necessary evidence and make contacts with witnesses as needed. The results of the investigation are discussed with a case advisor and a department attorney. Cases that do not warrant professional discipline are closed. Cases with violations proceed to the next stage for legal action.
- * **Legal Action Stage:** In this stage, department prosecuting attorneys, in conjunction with case advisors, review the results of the investigation and pursue disciplinary action when appropriate. Cases may resolve by means of stipulated

agreements, informal settlement conferences or letters of concern.

- * **Hearing Stage:** The last stage is the hearing Stage. This is a formal legal process. The department attorney litigates the case before an administrative law judge. The law judge makes a proposed decision which is reviewed by the licensing board. If a violation is found, discipline may be imposed. Disciplines include reprimand, limitation, suspension and revocation.

To file a complaint you may contact the Division of Enforcement by calling (608) 266-7482 or (608) 266-3736, or write the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935.

Service Corporations and Limited Liability Companies and Partnerships

The board has proposed a new rule which is expected to become section Chir 3.08 of the administrative rules. The new rule will specifically authorize chiropractors to organize a practice as a limited liability partnership, a limited liability company, or a service corporation. The rule also contains three provisions which emphasize existing obligations:

- a. The business must not be organized so that a person other than a chiropractor has the right to direct or control the professional judgment of the chiropractor.
- b. A chiropractor remains personally liable for any acts, errors, or omissions of the chiropractor arising out of the performance of professional services.
- c. A chiropractor must maintain professional liability insurance.

For advice or assistance in setting up any of these business entities contact an attorney. The board and the department are not able to provide that assistance.

May Chiropractors Perform Electrodiagnostic Studies?

Chiropractors who meet the following criteria may perform electrodiagnostic studies.

1. Doctors must have successfully completed a course of study in neurology of at least 300 hours which was taught by a CCE accredited chiropractic college.
2. The doctor must be a diplomate of the chiropractic neurology board of the American Chiropractic Association or board eligible.

3. The doctor must have successfully completed a course of study in electrodiagnosis of at least 60 hours which was taught by a CCE accredited chiropractic college.

Doctors who meet these criteria may perform nerve conduction (NCV), needle electromyography studies (EMG), and evoked potential studies including somatosensory evoked potentials (SEP), dermatomal somatosensory evoked potentials (DSEP), brainstem auditory evoked response (BAER), and visual evoked potentials.

Doctors who have successfully completed a course in surface electromyography (SEMG) of at least 12 hours and taught by a CCE accredited chiropractic college may perform this procedure.

Chiropractic Examinations

The chiropractic practical examination is currently administered three times per year. The pass rate statistics for the last year are presented below.

Chiropractic Practical Examination Results

<u>Exam Date</u>	<u>Candidates</u>	<u>Pass</u>	<u>Fail</u>	<u>% Passing</u>
February 25, 1999	33	28	5	84.9%
December 3, 1998	43	24	19	55.8%
July 9, 1998	39	19	20	48.7%
Total	115	71	44	61.7%

Disciplinary Actions

ROBERT CARPENTER, D.C.
HALES CORNERS WI

SUSPEND 2 YEARS/COSTS

Used a different physician's name to obtain Medicare payment for plethysmography services which would otherwise be ineligible for Medicare reimbursement. Used the different physician's name in conjunction with plethysmography services that the other physician did not provide or supervise. His use of plethysmography constitutes practice beyond the scope of his license to practice chiropractic. Effective 6/17/99. Sec. 446.04, Stats. Chir 6.02(4) Case #LS9807091CHI (The suspension was stayed by stipulation on July 21, 1999.)

GEORGE D. DARNELL, D.C.

MARINETTE WI

REVOKED/COSTS

Engaged in sexual contact, exposure, gratification and other sexual behavior with patients. Effective 2/16/99. Sec. 446.03(5), Stats. Chir 6.02(1),(3),(6),(7) Case #LS9810261CHI

Department of Regulation and Licensing
Chiropractic Examining Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

Bulk Rate
U.S. Postage
Paid
Madison, WI
Permit No. 1369

RETURN SERVICE REQUESTED

Telephone Directory

Automated Phone System for Chiropractic, Acupuncture, Massage Therapists/Bodyworkers, Music Art & Dance Therapists, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145.

Press 1, then 4 **Application Requests for Credentials & Continuing Education**
Press 2 **Information on Status of Pending Applications**
Press 3 **Information on Renewal, Verifications, Letters of Good Standing & Name or Address Changes.**
Press 4 **Complaint Filing Information**
Press 5 **Application Questions**
Press 6 **Repeat Menu Choices**

Fax # (608) 261-7083

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Keys number below for the profession that you want:

Application to register for examination	Press 1-5
Continuing Education Information/Application	Press 1-5-1
Chiropractic Endorsement	Press 1-5-3
Temporary Permit Application	Press 1-5-4

Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@drl.state.wi.us

1999 Meeting Dates

October 21; November 18; December 16.

Digests on Web Site

Complete copies of the September, 1997, September, 1998, and March, 1999 Regulatory Digests are on the Web.

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Wisconsin Statutes and Code

Copies of the Chiropractic Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated December, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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